

## LAW OFFICES

## WITTENBERG, PHILLIPS, LEVY &amp; NUSBAUM

840 SPITZER BUILDING  
TOLEDO, OHIO 43604-1387

SHELDON S. WITTENBERG  
JEROME PHILLIPS  
JEFFREY D. LEVY  
JAMES E. NUSBAUM  
ASSOCIATES  
LICENSED IN OHIO AND MICHIGAN

TELEPHONE  
419-255-6070  
FAX  
419-255-5530

May 10, 2007

VIA FAX 1-202-219-3923

Tracey Ligon, Esquire  
Federal Election Commission  
Washington, D.C. 20463

Re: MUR 5871  
Joseph F. Restivo

Dear Ms. Ligon

Pursuant to our discussions of May 7, 2007, please be advised that the undersigned represents Joseph F. Restivo of Lambertville, Michigan. Mr. Restivo has reviewed the factual representations made in the complaint against him. His responses are as follows:

With respect to the allegations made regarding Mr. Noe, he does not have personal knowledge regarding a number of the allegations other than what he has gleaned from the news media.

With regard to the allegations made against him personally, he is unsure whether he actually filled out a donor card or other contributor forms for the Fund Raiser. He believes his contribution to the Fund Raiser was made by means of a credit card. Mr. Restivo does specifically deny that he "knowingly and willfully" violated 2 U.S.C. §441 f.

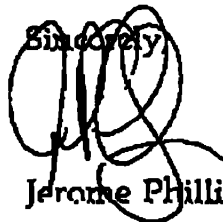
Additionally, Mr. Restivo denies that Mr. Noe instructed him to lie about the payments or to indicate that the payments from Mr. Noe to Mr. Restivo were actually a loan.

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL  
2007 MAY 10 A 11:29

28044210937

Mr. Restivo has authorized me to enter into Pre Probable Cause Resolution discussions with the Federal Election Commission. If the Commission willing to enter into such discussions, please contact me at your convenience.

I would also request that you provide me with the written Donor Card or Contributor Form that was allegedly filled out by Mr. Restivo.

Sincerely,  
  
Jerome Phillips

JP:njm

cc: Mr. Joseph Restivo

  
Lambertville, MI 48144

28044210938